

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

COMMITTEE, AS PLAN ADMINISTRATOR)
OF THE PRUDENTIAL INSURANCE)
COMPANY OF AMERICA DEFERRED)
COMPENSATION PLAN, ET. AL.,)

Plaintiff,)

v.)

APRIL LAVENTURE AND BRIGITTE)
FAUTEUX, IN HER CAPACITY AS)
INDEPENDENT EXECUTOR OF THE)
ESTATE OF GEORGE V. LAVENTURE,)

Defendants.)

Civil Action No. 1:23-cv-00902

Hon. Steven C. Seeger

**BRIGITTE FAUTEUX’S RULE 55 MOTION FOR
DEFAULT JUDGMENT AGAINST APRIL LAVENTURE**

NOW COMES the Defendant, Brigitte Fauteux, in her capacity as Independent Executor of the Estate of George V. LaVenture (Estate), through her undersigned counsel, and pursuant to Rule 55 of the Federal Rules of Civil Procedure (Fed. R. Civ. P. 55), respectfully moves this Honorable Court to enter an Order finding Defendant April LaVenture (Ms. Laventure) to be in default and for the entry of a Default Judgment against Ms. Laventure and in favor of the Estate. In support of this Motion, the Estate respectfully states as follows:

1. On February 14, 2023, the Plaintiff, Committee, as Plan Administrator of the Prudential Insurance Company of America Deferred Compensation Plan, et. al. (Prudential), initiated these proceedings by filing an Interpleader Complaint (Complaint), naming Ms. LaVenture and the Estate as Defendants.

2. On March 1, 2023, Ms. Bridgette Fauteux was served with a copy of summons and the Complaint on behalf of the Estate.

3. On March 8, 2023, Ms. LaVenture was served with a copy of summons and the

Complaint.

4. On March 17, 2023, counsel for the Estate filed an appearance in these proceedings.

5. To date, Ms. LaVenture has neither filed an appearance or answer to the Complaint.

6. More than 20 days have elapsed since Ms. LaVenture was served, and she has failed to file an appearance, answer, plead, defend against the allegations of Prudential's Complaint, or otherwise assert a claim to the funds at issue.

7. Ms. LaVenture's failure to defend and deny the allegations of Prudential's Complaint results in those allegations being admitted.

8. Ms. LaVenture's failure to answer the Complaint and assert a claim to the funds at issue results in Ms. LaVenture's forfeiture of any claim of entitlement to the funds that Ms. LaVenture previously claimed.

9. Rule 55(a) states that when it is shown that a party against whom affirmative relief is sought fails to plead or otherwise defend, the party should be held in default. (Fed. R. Civ. P. 55(a)).

10. Accordingly, the Estate respectfully requests that this Court enter a default judgement against Ms. LaVenture and in favor of the Estate.

WHEREFORE, Defendant, Brigitte Fauteux, as Independent Executor of the Estate of George V. Laventure, prays that this Court enter judgment in its favor and against the Defendant April LaVenture, setting forth the following relief:

A. Entering a default judgment against April LaVenture and in favor of Brigitte Fauteux, as Independent Executor of the Estate of George V. Laventure;

B. Decreeing that April LaVenture has forfeited any claim to the \$682,257.31 at issue in this litigation;

C. Awarding the Estate of George V. Laventure, through Brigitte Fauteux, as Independent Executor, the \$682,257.31 at issue in this litigation;

D. Decreeing that April LaVenture is restrained from instituting or prosecuting any proceeding in any State of United State court involving entitlement to any or all of the \$682,257.31 at issue in this litigation; and

E. Awarding such other and further relief as the Court may deem just and proper.

Respectfully submitted,
Brigitte Fauteux, in her capacity as
Independent Executor of the Estate of
George V. LaVenutre,

/s/ Dominic G. Erbacci
By: _____
One of her Attorneys

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